

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2061/2dn
DAK:jlg:kjf

March 28, 2000

To Senator Jauch:

I did not draft the following as part of s. 254.173 (3) (c) 2.: “The interim lead hazard control measures under this subdivision are not required of owners who do not seek immunity under this subsection.”. The sentence seems to be addressing the possibility of an inference that interim measures must be performed by a person who is not interested in seeking immunity; however, I do not believe that inference exists. The statute seems straightforward; if one seeks immunity, one must comply with certain requirements. It should not be necessary to state what one need *not* do if one does *not* seek immunity. Moreover, the provision may be misleading to a court if the owner does not seek immunity and is sued; a court might read the provision as a legislative exception to a negligence standard for tort.

If you have any questions about this matter, I would be happy to discuss them with you.

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